

**WEST VIRGINIA BOARD OF EXAMINERS FOR
REGISTERED PROFESSIONAL NURSES**

July 25, 2016

A Special Board meeting was held at the office of the Board of Examiners for Registered Professional Nurses at 101 Dee Drive, Suite 102, Charleston, WV 25311-1620, on July 25, 2016.

BOARD MEMBERS PRESENT:

TARA F. HULSEY, PhD, RN, CNE, FAAN, PRESIDENT

TERESA RITCHIE, DNP, APRN FNP-BC, SECRETARY

L. ANN BOSTIC, DNP, APRN CRNA

NANCY V. ATKINS, MSN, APRN WHNP-BC

DORIS F. BURKEY, DNP, MSN, APRN FNP-BC

THERESA L. DENNISON, PUBLIC MEMBER

BOARD MEMBERS NOT PRESENT:

JUDY NYSTROM, PUBLIC MEMBER

BOARD STAFF PRESENT:

DR. SUE PAINTER, DNP, RN, EXECUTIVE DIRECTOR

ALICE R. FAUCETT-CARTER, JD, GENERAL COUNSEL & DIRECTOR OF DISCIPLINE

ROBIN A. LEWIS, Ed.D., MSN, RN, FNP-BC, ASSOCIATE DIRECTOR

MARGARET "MARTY" ALSTON, EXECUTIVE ASSISTANT

JULY 25, 2016

CALL TO ORDER

The special meeting was called to order by Dr. Tara Hulsey, Board President at 10:10 a.m.

QUORUM

With the required number of members being present a quorum was established.

1. ACCEPTANCE OF AGENDA

1. A motion was made by Teresa Ritchie to accept the proposed agenda as written. The second was offered by Doris Burkey. The motion carried.

2. REVIEW AND CONSIDERATION OF MINUTES JUNE 9-10, 2016.

2. Nancy Atkins made a motion to approve the meeting minutes as submitted. Doris Burkey offered the second. The motion carried.

3. REVIEW AND CONSIDERATION OF LEGISLATIVE RULE WV19CSR3 REQUIREMENTS FOR REGISTRATION AND LICENSURE AND CONDUCT CONSTITUTING PROFESSIONAL MISCONDUCT COMMENTS SUBMITTED DURING THE COMMENT PERIOD

3. The Executive Director provided a review of the comments received during the comment period. Discussion ensued. Nancy Atkins made a motion to approve the Rule with the recommended changes. The second was offered by Ann Bostic. The motion carried.

4. REVIEW AND CONSIDERATION OF LEGISLATIVE RULE WV19CSR8 LIMITED PRESCRIPTIVE AUTHORITY AS AN EMERGENCY RULE

4. The Executive Director provided a review of the comments received during the comment period. Discussion ensued. Teresa Ritchie made a motion to approve the Rule with the recommended changes. The second was offered by Ann Bostic. The motion carried.

**5. REVIEW AND CONSIDERATION OF
WV19CSR8 LIMITED PRESCRIPTIVE
AUTHORITY AS AN EMERGENCY
RULE**

5. The Executive Director provided a review of the comments received during the comment period. Discussion ensued. Nancy Atkins made a motion to approve the Rule with the recommended changes. The second was offered by Teresa Ritchie. The motion carried.

**6. REVIEW AND CONSIDERATION OF
WV19CSR35 CONTESTED CASE
HEARING PROCEDURAL RULE**

6. The Executive Director provided a review of the comments received during the comment period. Discussion ensued. Nancy Atkins made a motion to approve the Rule with the recommended changes. The second was offered by Ann Bostic. The motion carried.

**7. REVIEW AND CONSIDERATION OF WV
CODE CHAPTER 30 ARTICLE 7C
DIALYSIS TECHNICIANS**

7. The Executive Director provided a review of the WV Code Chapter 30 Article 7C the Dialysis Technician law and the issues related to the time frame for the Temporary Permit and the ongoing necessity of the Advisory Council.

Doris Burkey made a motion to place a limited time frame for a temporary permit to 180 days. The second was offered by Teresa Ritchie. The motion carried.

Nancy Atkins made a motion to eliminate the Dialysis Technician Advisory Council. The second was offered by Theresa Dennison. The motion carried.

**8. REVIEW AND CONSIDERATION OF WV
RESTORE STATEWIDE EDUCATION**

8. The Board reviewed this topic from the June 2016 Board meeting regarding the discussion for the necessity of additional education related to substance use and the disease of addiction beyond what is covered in the WV Restore Contract. A discussion ensued. Teresa Ritchie made a motion to establish a work group/ task force to focus on way to provide education in the area of substance abuse and the disease of addiction and to educate individual on WV Restore. Ann Bostic will chair the work group and provide a update at the October 2016 Board meeting. Also during the discussion, concerns were expressed regarding the clarification of language in the current WV Restore contract with the WV Pharmacy Recovery Network. Jan Gentry was present

during the discussion. The Executive Director informed the Board that she would follow-up with the administrators of WV Restore on the concerns and provide a update at the October 2016 Board meeting or sooner if necessary.

**9. REVIEW AND CONSIDERATION OF
INVITATION FROM WV CENTER FOR
END-OF-LIFE CARE**

- 9.** The Executive Director provided the Board with a information regarding an invitation from the WV Center for End-of-Life care for a representative from the WV RN Board to participate in the Board meeting to represent the West Virginia nursing perspective regarding end-of-life care. Discussion ensued. The Board does not have a position statement on end-of-life care, therefore, no participation will be provided. The Executive Director plans to attend the meeting as a registered nurse but not as a Board representative.

**10. REVIEW AND CONSIDERATION OF
EDUCATION PROGRAM REQUESTS
AND REPORTS**

**A. REVIEW AND CONSIDERATION OF
BRIDGE VALLEY COMMUNITY &
TECHNICAL COLLEGE CURRICULUM
CHANGE REQUEST**

- 10.A.** The Board reviewed the curriculum change request for Bridge Valley Community & Technical College. Teresa Ritchie made a motion to approve the curriculum change request for the Associate Degree Nursing (ADN) program at Bridge Valley Community and Technical College and requests a curriculum implementation report 30 days prior to each Education Committee Meeting. The second was offered by Ann Bostic. The motion carried.

**B. REVIEW AND CONSIDERATION OF
WEST VIRGINIA JUNIOR COLLEGE
NURSE ADMINISTRATOR APPROVAL
REQUEST**

- 10.B.** The Board reviewed the nurse administrator request from West Virginia Junior College. Nancy Atkins made a motion to approve Amanda Abbott, MSN, RN as the nurse administrator of the Associate Degree Nursing (ADN) program at West Virginia Junior College (WVJC). The second was offered by Doris Burkey. The motion carried.

**C. REVIEW AND CONSIDERATION OF
WEST VIRGINIA JUNIOR COLLEGE
VOLUNTARY WITHDRAWAL FROM
INITIAL ACCREDITATION
COMMISSION OF EDUCATION IN
NURSING (ACEN)**

- 10.C.** The Board reviewed information regarding West Virginia Junior College's School of Nursing is voluntarily withdrawing from initial ACEN accreditation due to a recent change in leadership and novel faculty. Amanda Abbott from WVJC was present during the discussion. Nancy Atkins made a motion to accept the program to voluntarily withdraw the WVJC AND program application for national nursing accreditation, and require a program report on national nursing accreditation progress and nurse administrator role development inclusive of national and regional conferences 30 days prior to each Education Committee Meeting. The second was offered by Doris Burkey. The motion carried.

**D. REVIEW AND CONSIDERATION OF
BLUE RIDGE COMMUNITY &
TECHNICAL COLLEGE NURSE
ADMINISTRATOR APPROVAL
REQUEST**

- 10.D.** The Board reviewed the Blue Ridge Community & Technical College nurse administrator request. Teresa Ritchie made a motion to approve Stephanie Sherwood as the nurse administrator for the Associate Degree Nursing (AND) program at Blue Ridge Community and Technical College. And, to request a program report on the nurse administrator role development inclusive of national and regional conferences 30 days prior to each Education Committee meeting. The second was offered by Ann Bostic. The motion carried.

11. REVIEW OF FY 2017 BUDGET

- 11.** The Board reviewed the FY2017 Budget. This was for informational purposes only. No motion was taken.

EXECUTIVE SESSION

Teresa Ritchie made a motion for the Board to enter in Executive Session for the purposes of review and consideration of the hearing transcript related to Paula Renae Brown and Angela Dawn Varney. The second was offered by Nancy Atkins. The motion carried.

Tara Hulsey, Board President, announced that in accordance with Chapter 6, Section 4(2)(A), of the Code of West Virginia, Executive Sessions may be held by governmental agencies to consider matters. All motions arising from the discussion during the Executive Session shall be made and voted on in an open meeting immediately following an Executive Session.

**12. REVIEW AND CONSIDERATION OF
HEARING TRANSCRIPTS**

A. WVRN BOARD VS. BROWN

B. WVRN BOARD VS. VARNEY

PUBLIC SESSION

A motion was made by Nancy Atkins to reconvene the regular meeting to make motions related to discussion during the Executive Session. The second was offered by Ann Bostic. Motion carried.

**12.A. WVRN BOARD VS.
PAULA RENAE BROWN**

- 12.A.** A motion was made by Doris Burkey to approve the Findings of Fact, Conclusions of Law, and the Recommendations of the Hearing Examiner. And, to issue a Final Order suspending Brown's license for a period of one (1) year and said suspension is here STAYED and the license number 85690 issued to Paula Renae Brown is placed on PROBATION for a period of one (1) year. On the basis of the foregoing, the Board hereby suspends license number 85690, issued to Brown for a period of one (1) year, with such suspension hereby stayed and contingent upon Holley complying with the terms set forth below, license number 85690 is placed on PROBATION for a period of one (1) year of employment as a registered professional nurse. The computation of such period is to begin on the date on which notice is received in the office of the Board that Brown is employed as a registered professional nurse and shall run only during such time that she is employed as a registered professional nurse on at least a permanent part-time basis (forty hours every two weeks) or full time basis in the State of West Virginia. The Board also ORDERS Brown to pay a fine and administrative cost of one thousand dollars (\$1000.00).

Violation of any of the following terms shall constitute grounds for denial of the leave granted to Holley to petition for reinstatement. To receive and maintain a probationary license, regardless of employment status, Brown shall meet the following conditions:

1. Brown shall not work at a Nursing Registry, Temporary Nursing Agency, Home Health Care Agency, Private Duty Nurse or an Extended Care Facility.
2. Brown shall not work in an autonomous or supervisory nursing position. She shall work only under the direct supervision of a registered professional nurse in a structured setting throughout the term of her probation. Such supervising registered professional nurse must, at the time of said supervision, hold an active, unencumbered West Virginia license until evaluation is completed and a determination regarding any requirements.

3. Brown shall inform the Board in writing within ten (10) days of the date she assumes the practice of registered professional nursing, or any employment in the health care field, in the State of West Virginia and shall include the name, address, and telephone number of her employer. She shall provide in writing the name of her immediate registered professional nurse supervisor. She shall inform the Board of any interruption in nursing practice or change in employment within ten (10) days of such interruption or change.
4. Brown shall immediately inform her nursing employer, and prospective nursing employer, and the director of any nursing education program in which she enrolls or teaches, that the Board has placed her license on probation, and shall provide a complete copy of this agreement to her employer(s). The Board may provide her employer(s) with a copy of this agreement and may communicate with her employer(s).
5. Brown shall, within ten (10) days of employment or continuation of practice, cause her employer or immediate registered professional nurse supervisor to notify the Board, in writing, of the employer's or supervisor's receipt of a copy of this agreement. Holley shall further cause her employer or supervisor to submit monthly reports to the Board describing her job performance, attendance, attitude, and other work behaviors during the first year of probation and if her progress is satisfactory to the Board, quarterly thereafter.
6. Brown shall submit documentation of fifteen (15) contact hours of continuing education in substance abuse and in ethics year during the time her license is on probation in addition to those required by law.
7. Brown shall report in person for an appointment with the Board staff upon request.
8. Brown shall not handle nor administer narcotic or psychotropic medications, nor have access to locked or other storage areas in which such medications are kept. Shall notify their employer of the restriction on their practice.

Violation of Terms:

9. Any deviation from these requirements without prior written consent of the Board shall constitute a violation of this Order, and result in immediate suspension of Brown's probationary license.
10. The Board shall immediately notify Brown via certified mail of the specific nature of the charges, and the suspension of her license.
 - a. Brown may request reinstatement of her probationary license through renewal of this agreement, or execution of a new agreement, which may contain different or additional terms. The Board is not bound to comply with this request.

b. If the Board does not accept a renewed or new agreement, Brown shall be notified in writing. Brown may request a hearing to seek reinstatement of her probationary license. If Brown requests a hearing following suspension for violation of this agreement and does not prevail, the cost incurred in holding such hearing shall be borne by Brown. If Brown prevails, the cost of such hearing shall be borne by the Board. Cost shall refer only to the expense of employing a court reporter and hearing examiner for the purpose of the hearing, and shall not include any legal or other fees incurred by the Board or Brown in bringing the matter to hearing.

c. The Board may schedule a hearing on its own initiative for the purpose of allowing the Board opportunity for considering further suspension or revocation of Brown's license. Said hearing shall be scheduled in accordance with the provisions of West Virginia Code §30-1-8 and §30-1-7 et. seq. The Board shall bear the cost if it should seek a hearing following suspension of Brown's probationary license for violation of this agreement. Cost shall refer only to the expense of employing a court reporter and hearing examiner for the purpose of the hearing, and shall not include any legal or other fees incurred by Brown in bringing the matter to hearing.

Petition for Reinstatement:

11. Following the one (1) year probationary period, Brown may petition to appear before the Board and submit satisfactory evidence that she is presently able to safely engage in the practice of registered professional nursing. Evidence in support of this request shall include:

- a. A written personal statement from Brown explaining how this experience has changed her nursing practice.
- b. Letter from Brown's employer, if employed;
- c. Letter from Brown outlining her future plans; and
- d. Payment of all fines and administrative costs.

However, the terms of this Order shall remain in effect and subject to yearly review and appropriate revision by the Board until such time as Brown's license is fully reinstated by the Board.

The second was offered by Ann Bostic. The motion carried.

**12.B. WVRN BOARD VS.
ANGELA DAWN VARNEY**

12.B. A motion was made by Teresa Ritchie to approve the Findings of Fact, Conclusions of Law, and the Recommendations of the Hearing Examiner. And, to issue a Final Order suspending Varney's license for a period of one (1) year and said suspension is here STAYED and the license number 56987 issued to Angela Dawn Varney is placed on PROBATION for a period of six (6) months. On the basis of the foregoing, the Board hereby suspends license number 56987, issued to Varney for a period of one (1) year, with such suspension hereby stayed and contingent upon Varney complying with the terms set forth below, license number 56987 is placed on PROBATION for a period of six (6) months of employment as a registered professional nurse. The computation of such period is to begin on the date on which notice is received in the office of the Board that Varney is employed as a registered professional nurse and shall run only during such time that she is employed as a registered professional nurse on at least a permanent part-time basis (forty hours every two weeks) or full time basis in the State of West Virginia. The Board also ORDERS Varney to pay a fine and administrative cost of five hundred dollars (\$500.00).

Violation of any of the following terms shall constitute grounds for denial of the leave granted to Holley to petition for reinstatement. To receive and maintain a probationary license, regardless of employment status, Varney shall meet the following conditions:

1. Varney shall not work at a Nursing Registry, Temporary Nursing Agency, Home Health Care Agency, Private Duty Nurse or an Extended Care Facility.
2. Varney shall not work in an autonomous or supervisory nursing position. She shall work only under the direct supervision of a registered professional nurse in a structured setting throughout the term of her probation. Such supervising registered professional nurse must, at the time of said supervision, hold an active, unencumbered West Virginia license until evaluation is completed and a determination regarding any requirements.
3. Varney shall inform the Board in writing within ten (10) days of the date she assumes the practice of registered professional nursing, or any employment in the health care field, in the State of West Virginia and shall include the name, address, and telephone number of her employer. She shall provide in writing the name of her immediate registered professional nurse supervisor. She shall inform the Board of any interruption in nursing practice or change in employment within ten (10) days of such interruption or change.
4. Varney shall immediately inform her nursing employer, and prospective nursing employer, and the director of any nursing education program in which she enrolls or teaches, that the Board has placed her license on probation, and shall provide a

complete copy of this agreement to her employer(s). The Board may provide her employer(s) with a copy of this agreement and may communicate with her employer(s).

5. Varney shall, within ten (10) days of employment or continuation of practice, cause her employer or immediate registered professional nurse supervisor to notify the Board, in writing, of the employer's or supervisor's receipt of a copy of this agreement. Holley shall further cause her employer or supervisor to submit monthly reports to the Board describing her job performance, attendance, attitude, and other work behaviors during the first year of probation and if her progress is satisfactory to the Board, quarterly thereafter.
6. Varney shall submit documentation of fifteen (15) contact hours of continuing education in substance abuse and in ethics year during the time her license is on probation in addition to those required by law.
7. Varney shall report in person for an appointment with the Board staff upon request.
8. Within thirty (30) days, Varney shall submit an action/mentoring plan explaining her intentions to improve her documentation.

Violation of Terms:

9. Any deviation from these requirements without prior written consent of the Board shall constitute a violation of this Order, and result in immediate suspension of Varney's probationary license.
10. The Board shall immediately notify Varney via certified mail of the specific nature of the charges, and the suspension of her license.
 - a. Varney may request reinstatement of her probationary license through renewal of this agreement, or execution of a new agreement, which may contain different or additional terms. The Board is not bound to comply with this request.
 - b. If the Board does not accept a renewed or new agreement, Varney shall be notified in writing. Varney may request a hearing to seek reinstatement of her probationary license. If Varney requests a hearing following suspension for violation of this agreement and does not prevail, the cost incurred in holding such hearing shall be borne by Varney. If Varney prevails, the cost of such hearing shall be borne by the Board. Cost shall refer only to the expense of employing a court reporter and hearing examiner for the purpose of the hearing, and shall not include any legal or other fees incurred by the Board or Varney in bringing the matter to hearing.

c. The Board may schedule a hearing on its own initiative for the purpose of allowing the Board opportunity for considering further suspension or revocation of Varney's license. Said hearing shall be scheduled in accordance with the provisions of West Virginia Code §30-1-8 and §30-1-7 et. seq. The Board shall bear the cost if it should seek a hearing following suspension of Varney's probationary license for violation of this agreement. Cost shall refer only to the expense of employing a court reporter and hearing examiner for the purpose of the hearing, and shall not include any legal or other fees incurred by Varney in bringing the matter to hearing.

Petition for Reinstatement:

11. Following the six (6) month probationary period, Varney may petition to appear before the Board and submit satisfactory evidence that she is presently able to safely engage in the practice of registered professional nursing. Evidence in support of this request shall include:

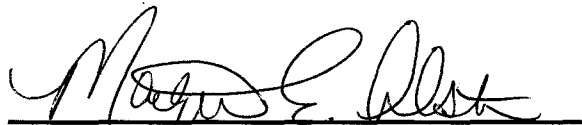
- a. A written personal statement from Varney explaining how this experience has changed her nursing practice.
- b. Letter from Varney's employer, if employed;
- c. Letter from Varney outlining her future plans; and
- d. Payment of all fines and administrative costs.

However, the terms of this Order shall remain in effect and subject to yearly review and appropriate revision by the Board until such time as Varney's license is fully reinstated by the Board.

The second was offered by Ann Bostic. The motion carried.

13. ADJOURN

13. Teresa Ritchie made a motion to adjourn the meeting. Theresa Dennison offered the second. The motion carried.



Minutes prepared by
Margaret "Marty" Alston
Executive Assistant



Respectfully submitted by
Teresa Ritchie, DNP, APRN, FNP-BC
Board Secretary